

Supporting Statement for Form SSA-3885
Government Pension Questionnaire
20 CFR 404.408a
OMB No. 0960-0160

A. Justification

1. Introduction/Authoring Law and Regulations -Section 202(k)(5) of the *Social Security Act (Act)* (as codified in 20 CFR 404.408a of the *Code of Federal Regulations*) mandates that a spouse's or surviving spouse's Social Security benefit decrease when the spouse is concurrently receiving a government pension based on employment not covered by Social Security. The Social Security Administration (SSA) may reduce the benefit by two-thirds the amount of the non-covered government pension under the Act's Government Pension Offset (GPO) provision. SSA uses Form SSA-3885, Government Pension Questionnaire, to document such cases. The respondents are applicants for a spouse's Social Security benefits or beneficiaries who receive spouse's benefits.

2. Description of Collection - The basic Social Security benefits application form (cleared under OMB No. 0960-0618) contains a lead question asking whether the applicant is qualified (or will qualify) to receive a government pension. If the answer is "yes," the applicant completes Form SSA-3885 (either on paper or through an SSA claims representative {CR} during a personal interview). SSA uses the information to determine whether the GPO provision applies, to identify exceptions as stated in 20 CFR 404.408a, and to determine the benefit reduction amount and effective date. Applicants and beneficiaries who do not respond to this questionnaire will have their Social Security benefit totally offset.

For the modernized claims system (MCS) application, the beneficiary provides the information verbally to the SSA CR, who inputs the information directly into the MCS application. The CR prints the MCS application for the beneficiary to verify and sign. When a Social Security claimant applies for Social Security benefits and is not entitled to receive a government pension at that time, they must provide the government pension information later. A claimant or beneficiary completes and signs Form SSA-3885 to report information about the government pension before the pension begins.

3. Use of Information Technology to Collect the Information - In accordance with the agency's Government Paperwork Elimination Act plan, SSA collects the information requested on the SSA-3885 on the MCS screens. SSA estimates that about 60 percent of the claimants under this information collection request provide the information through a personal interview with a CR who completes the MCS screens. We also make the form available to the public as a printable PDF through SSA's website.

4. **Why We Cannot Use Duplicate Information** - The information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to obtain similar data.
5. **Minimizing Burden on Small Respondents** - This collection does not affect small businesses or other small entities.
6. **Consequence of Not collecting Information or Collecting it Less Frequently** - If we did not collect the information, we would be unable to prevent incorrect Social Security benefits for a spouse or surviving spouse; we would be in violation of Section 202(k)(5) of the Act, and regulations at 20 CFR 404.408a. Since we collect this information only once, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.
7. **Special Circumstances** - There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.
8. **Solicitation of Public Comment and Other Consultations with the Public** - SSA published the 60-day advance Federal Register Notice on March 3, 2011, at 76 FR 11835, and we received no public comments. We published the 30-day Notice on May 16, 2011 at 78 FR 28297. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with members of the public in the maintenance of this form.
9. **Payment or Gifts to Respondents** - SSA does not provide payments or gifts to the respondents.
10. **Assurances of Confidentiality** - SSA protects and holds confidential the information in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974) and OMB Circular No. A-130.
11. **Justification for Sensitive Questions** - The information collection does not contain any questions of a sensitive nature.
12. **Estimates of Public Reporting Burden** - Approximately 76,000 respondents take 12.5 minutes each to complete Form SSA-3885 each year. Accordingly, the total burden is 15,833 hours. The total burden reflects burden hours, and we did not calculate a separate cost burden.
13. **Annual Cost to the Respondents** - This collection does not impose a known cost burden on the respondents.

14. Annual Cost to the Federal Government - The annual cost to the Federal Government is approximately \$49,852. This estimate is a projection of the costs for printing and distributing the collection instrument.
15. **Program Changes or Adjustments to the Information Collecting Request** - There are no changes to the public reporting burden.
16. **Plans for Publication Information Collection Results** - SSA will not publish the results of the information collection.
17. **Displaying the OMB Approval Expiration Date** - OMB has granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.
18. **Exceptions to Certification Statement** - SSA is not requesting an exception to the certification requirements at 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b)(3).

B. **Collections of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.